

Dated: 9/1/2021



IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

In re:)	
)	Case No. 3:19-bk-1971
CAPSTONE PEDIATRICS, PLLC,)	
)	Chapter 7
Debtor.)	
_____)	
)	
CDS BUSINESS SERVICES, INC. d/b/a)	
NEWTEK BUSINESS CREDIT,)	
)	
Plaintiff,)	
v.)	Adv. Proc. No. 3:20-ap-90140
)	
AMERICA CARES TRUST d/b/a)	
CARENATION,)	
)	
Defendant.)	

**AMENDED ORDER REGARDING MOTION TO FILE AMENDED
AND SUPPLEMENTAL COMPLAINT**

CDS Business Services, Inc. d/b/a Newtek Business Credit (“CDS”) has a pending motion for leave to file an amended and supplemental complaint against America Cares Trust d/b/a CareNation (“CareNation”). The Court previously entered an order at Doc. 79 scheduling a hearing on the Plaintiff’s motion. However, after the motion was filed, CareNation’s attorneys filed a motion to withdraw as counsel, which is being granted by separate order. Due to the potential implications arising out of the withdrawal of counsel, the Court hereby amends the scheduling order relating to the motion to file the amended complaint as follows:

1. Any opposition to the motion must be filed by **September 17, 2021**.

2. If no timely response is filed, CDS may submit an order granting the motion. Once that order is entered and CDS has filed its amended and supplemental complaint, a response to the amended complaint will be due 14 days after service pursuant to Fed. R. Bankr. P Rule 7015 and Fed R Civ P 15(a)(3) unless that time is extended by the Court. The Court may also schedule a pretrial/scheduling conference after the amended complaint is filed.

3. If a response is timely filed opposing the relief in the motion, a hearing will be conducted at **9:30 a.m. on September 28, 2021**, in Courtroom 1, Customs House, 701 Broadway, Nashville, Tennessee (unless circumstances arise resulting in a subsequent order converting it to a video or telephonic hearing).

4. If the hearing remains scheduled for in-person participation, any motion to appear by video or telephonically instead of in person shall be filed no later than **September 23, 2021**.

IT IS SO ORDERED.

This Order has been electronically signed. The Judge's signature and Court's seal appear at the top of the first page.
United States Bankruptcy Court.